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10/564,907	01/17/2006	Mathias Franz	2003P10417WOU'S	2309
29177 7590 06/11/2008 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER HUSSAIN, IMAD				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,907

**Applicant(s)**

FRANZ ET AL.

**Examiner**

IMAD HUSSAIN

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-33, 35-46 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-33, 35-46 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's amendment dated 18 April 2008 has been received and made of record.
2. Claims 34 and 47 have been cancelled. Claims 26 and 39 have been added. New claims 51 and 52 have been added. Claims 26-33, 35-46 and 48-52 are pending in application 10/564907.
3. Applicant's amendment of claim 26 obviates previously raised claim objection. As such, the objection is hereby withdrawn.
4. Applicant's amendment obviates previously raised 35 U.S.C. 101 rejection. As such, the rejection is hereby withdrawn.

### ***Response to Arguments***

5. Applicant's arguments filed 18 April 2008 have been fully considered but they are not persuasive.

Applicant argues that the supply device (MCF) of instant application claim 26 (and similar claims) does not map to the provisioning system of Bjornberg/Campbell, the provision device (SCF) of the instant application does not map to the Next Generation Service Node (NGSN) of Bjornberg/Campbell, the information output device of the instant application does not map to the NGSN voice ports of Bjornberg/Campbell, and the information output system or interactive system of the instant application does not map to the first functional layer of Bjornberg/Campbell.

In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., differences between the MCF and Bjornberg/Campbell's provisioning system, differences between the SCF and NGSN, differences between the information output devices and NGSN voice ports, and differences between the information output/interactive system and NGSN first functional layer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. For example, Applicant asserts that "the voice ports 214 of Campbell are logical ports (Campbell, col.4, lines 36-40), and therefore such a port cannot be an information output device," despite the referenced portion of Campbell clearly stating that "the voice ports 214 are logical communications ports that are capable of playing audio recordings for a caller, and recording caller input" (Examiner's emphasis) and despite Campbell later referring to physical implementations of the first logical layer containing said voice ports as an intelligent peripheral [Campbell: Column 6 Lines 19-65] that provides output to -- and receives input from -- a user.

Additionally, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims

present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant also argues that Bjornberg/Campbell does not disclose:

- *a storage arrangement comprising a supply device and in addition at least a provision device;*
- *a storage arrangement wherein at least one information output device is provided and associated with the information output system or interactive system and accesses at least one provision device for information outputs or interactive dialogs; and*
- *a storage arrangement wherein an information output device accesses a provision device in the course of an information output or interactive dialog for the purpose of component transmission.*

In response to Applicant's argument, Examiner notes that Bjornberg/Campbell does teach each of the limitations:

- *a storage arrangement [Bjornberg: Figure 2] comprising a supply device ["provisioning system"] and in addition at least a provision device ["NGSN" (Next Generation Service Node)] [Bjornberg: Column 5 Lines 29-31];*
- *a storage arrangement [Bjornberg: Figure 2 and Campbell: Figure 3] wherein at least one information output device [Campbell: Column 4 Lines 22-25, "voice ports" and Figure 3 element 302] is provided and associated with the information output system or interactive system [Campbell: Column 4 Lines 22-25, "first functional layer of NGSN"*

and figure 4 element 304] *and accesses at least one provision device for information outputs or interactive dialogs* [Campbell: Figure 3 element 308 and Column 6 Lines 50-57]; *and*

- *a storage arrangement* [Bjornberg: Figure 2 and Campbell: Figure 3] *wherein an information output device* [Campbell: Column 4 Lines 22-25, "voice ports" and Figure 3 element 302] *accesses a provision device* [Campbell: Figure 3 element 308] *in the course of an information output or interactive dialog* [Campbell: Column 4 Lines 22-25, "first functional layer of NGSN" and figure 4 element 304] *for the purpose of component transmission* [Campbell: Column 6 Lines 50-57].

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 26, 29, 32, 34-41, 44 and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjornberg et al. (US 6,389,126, hereinafter Bjornberg and incorporated reference US 6,427,002, hereinafter Campbell).**

Regarding claim 26, Bjornberg discloses *a storage arrangement for a service provider triggerable provision of components for an information output or interactive dialog that is*

*generated by an information output system or an interactive system [Bjornberg:*

*Abstract, "provisioning a network of advanced interactive voice response (IVR) service platforms"]*, *comprising:*

*-a supply device ["provisioning system"] accessible by the service providers for changed or new components of information outputs or interactive dialogs [Bjornberg: Column 5 Lines 29-31];*

*-and at least one provision device ["NGSN" (Next Generation Service Node)] to which changed or new components of information outputs or interactive dialogs are transmitted by the supply device [Bjornberg: Column 5 Lines 29-31],*

*-wherein at least one information output device [Campbell: Column 4 Lines 22-25, "voice ports" and Figure 3 element 302] is provided and associated with the information output system or interactive system [Campbell: Column 4 Lines 22-25, "first functional layer of NGSN" and figure 4 element 304] and accesses at least one provision device for information outputs or interactive dialogs [Campbell: Figure 3 element 308 and Column 6 Lines 50-57].*

Regarding claim 29, Bjornberg teaches that *a configuration system ["Service Creation Environment (SCE)", User Interface (204)] is provided for generating and changing components that is assigned to a service provider ["IVR customer"] [Bjornberg: Column 5 Lines 26-29 and Column 6 Lines 31-35] and from which new or changed components are transmitted to the supply device [Bjornberg: Column 5 Lines 29-31].*

Regarding claim 32, Bjornberg teaches that a *configuration system* ["Service Creation Environment (SCE)", SCE Interface (512)] *is provided for generating and changing components and is assigned to the operator* ["IVR Service Provider"] *of the arrangement* [Bjornberg: Column 6 Lines 22-26 and 34-36 (operator specific files and content manager functions are accessible only via this interface, therefor such a device must be assigned to the operator)] *and from which new or changed components are transmitted to the supply device* [Bjornberg: Column 5 Lines 29-31].

Regarding claim 34, Bjornberg teaches that *at least one information output device* [Campbell: Column 4 Lines 36-40, "voice ports"] *is provided and associated with the information output system or interactive system* [Campbell: Column 4 Lines 22-25, "first functional layer of NGSN"] *and accesses at least one provision device* ["NGSN"] *for information outputs or interactive dialogs.*

Regarding claim 35, Bjornberg teaches that *the supply device* ["provisioning system"] *is implemented on a hardware platform separate from the provision devices* ["NGSN"] [Bjornberg: Figure 2, wherein the devices communicate over a TCP/IP network].

Regarding claim 36, Bjornberg teaches that *a plurality of provision devices* [Bjornberg: Figure 2, wherein multiple NGSN nodes are shown] *of the information output system or interactive systems to which components are transmitted* [Bjornberg: Column 6 Lines

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18-21 and Column 9 Lines 44-57] *by the supply device* ["provisioning system"] *are provided.*

Regarding claim 37, Bjornberg teaches that the supply device is implemented together with a provision device on a common hardware platform [Bjornberg: Column 13 Lines 20-26 states that all components can be implemented as software on a single platform].

Regarding claim 38, Bjornberg teaches that *the supply device* ["provisioning system"] *is duplicated* [Bjornberg: Column 5 Lines 15-17].

Regarding claim 39, Bjornberg teaches *a method for providing components for newly generated or changed information outputs or interactive dialogs by a storage arrangement* [Bjornberg: Abstract], *comprising:*

- providing a supply device* [Bjornberg: Column 5 Lines 31-37, "provisioning system"];

- providing at least one provision device* [Bjornberg: Column 5 Lines 31-37, "NGSN"];

- and transmitting a new or changed component of an information output or interactive dialog to the supply device that is automatically transmitted by the supply device to at least one provision device of the arrangement* [Bjornberg: Column 5 Lines 29-31],

*-wherein an information output device [Campbell: Column 4 Lines 22-25, "voice ports" and Figure 3 element 302] accesses a provision device [Campbell: Figure 3 element 308] in the course of an information output or interactive dialog [Campbell: Column 4 Lines 22-25, "first functional layer of NGSN" and figure 4 element 304] for the purpose of component transmission [Campbell: Column 6 Lines 50-57 and Bjornberg: Column 5 Lines 29-31].*

Regarding claim 40, Bjornberg teaches that *information in the supply device is specifiable by a service provider thereby controlling the time of activation of a new or changed component for a service* [Bjornberg: Column 6 Lines 59-62 and Table 1; the time of activation is when the service provider chooses to activate the component].

Regarding claim 41, the claim comprises substantially the same limitations as claims 39 and 29. The same rationale for rejection is applicable.

Regarding claim 44, the claim comprises substantially the same limitations as claims 39 and 32. The same rationale for rejection is applicable.

Regarding claim 49, Bjornberg teaches that *a plurality of components are constituted by coded or to be encoded elements of an information output or formation rules for information outputs or interactive dialogs* [Campbell: Figure 4 and Column 6 Lines 2-8].

Regarding claim 50, Bjornberg teaches that *the information output relates to an output of voice information, video information or audio information* [Bjornberg: Column 4 Lines 7-11].

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 27-28, 30-31 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Fuller et al. (US 2003/0055972 A1, hereinafter Fuller).**

Regarding claim 27, Bjornberg teaches that *the supply device comprises a storage area for components assigned to the service providers and a storage area for components assigned to the operator of the information output system or interactive system*

Bjornberg does not explicitly disclose that *the service providers have no access to components assigned to the operator of the information output system or interactive system*.

However, Fuller teaches that "each customer has access only to the logical storage areas associated with the customer and cannot access the logical storage area of any other customer" [Fuller: Abstract].

Bjornberg and Fuller are analogous art in the same field of endeavor as both deal with networked accessible shared storage devices.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the storage assignment scheme of Fuller for access control in the system of Bjornberg. One of ordinary skill in the art would have been motivated to modify the system of Bjornberg with the storage assignment scheme of Fuller because in doing so, the system would allow for maintaining information security while cutting costs by sharing physical resources [Fuller: Paragraph 0008].

Regarding claim 28, Bjornberg-Fuller teaches that *the service providers are authenticated* [Fuller: Paragraph 0032] *and, on the supply device, only have access to components or storage areas assigned to the relevant authorized service provider* [Fuller: Abstract].

Regarding claim 30, Bjornberg-Fuller teaches that *a firewall is disposed between the supply device* ["network operations center"] *and the configuration systems* ["POD"] *and is assigned to the service providers or a computer platform used by a service provider* ["customer"] *to access the supply device* [Fuller: Figure 6 and Paragraph 0051].

Regarding claim 31, Bjornberg-Fuller teaches that *an access authorization is created for the transmission of components by service providers to the supply device* [Fuller: Paragraph 0043, "port controller 255 may perform authentication and authorization [and]

enables an associated port of a customer during a data transfer...", and Paragraph 0063].

Regarding claim 42, the claim comprises substantially the same limitations as claim 39 as discussed above and claim 28. The same rationale for rejection is applicable.

Regarding claim 43, Bjornberg-Fuller teaches that *components changed or newly generated by a service provider are stored in a storage area of the supply device* [Bjornberg: Column 6 Lines 28-31] *assigned to the service provider* [Fuller: Abstract].

**10. Claims 33 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Tegan et al. (US 6,831,966, hereinafter Tegan).**

Regarding claim 33, Bjornberg does not explicitly disclose that a charging server is provided to which charging information is transmitted by the supply device.

However, Tegan teaches a method for charging users based on information transmitted by a supply device [Tegan: Column 4 Lines 5-8].

Bjornberg and Tegan are analogous art in the same field of endeavor as both deal with the provisioning of IVR systems and using functions thereof.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the charging scheme of Tegan for charging service providers based on usage in the system of Bjornberg. One of ordinary skill in the art

would have been motivated to modify the system of Bjornberg with the charging scheme of Tegan because in doing so, the system would allow for generating income to cover the expenses of running a IVR system [Tegan: Column 3 Lines 57-61 and Column 4 Lines 5-8].

Regarding claim 45, Bjornberg-Tegan *teaches that the modification or creation of a component by a service provider* [Bjornberg: Column 5 Lines 26-29 and Table 1] *is charged* [Tegan: Column 4 Lines 5-8].

Regarding claim 46, the claim comprises substantially the same limitations as claim 39 as discussed above and claim 33. The same rationale for rejection is applicable.

Regarding claim 47, the claim comprises substantially the same limitations as claim 34 as discussed above and claim 46. The same rationale for rejection is applicable.

Regarding claim 48, Bjornberg-Tegan teaches that *the information output device composes an information output or an output forming part of an interactive dialog from or by means of components* [Campbell: Figure 4 and Column 6 Lines 2-8].

**11. Claims 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Reed et al. (US 5862325, hereinafter Reed).**

Regarding claim 51, Bjornberg teaches the arrangement claim 26, *wherein when executing the corresponding service, the information output device accesses the components or elements held in the provision device* [Campbell: Figure 3 elements 302 and 308 and Column 6 Lines 50-57].

Bjornberg does not explicitly disclose that *the change in the content of a recorded message or interactive dialog is signaled to the information output device, however only the change is communicated*.

However, Reed teaches *the change in the content is signaled to the device, however only the change is communicated* [Reed: Column 32 Lines 12-14].

Bjornberg and Reed are analogous art in the same field of endeavor as both describe network communication systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the change-only scheme of Reed for transmitting only the changes in components in the communication system of Bjornberg. One of ordinary skill in the art would have been motivated to modify the communication system of Bjornberg with the change-only scheme of Reed because in doing so, the system would allow for transmitting smaller files. Moreover, Bjornberg teaches an analogous method of limiting the scope of changes [Campbell: Column 2 Lines 12-14 and Column 3 Lines 4-8].

Regarding claim 52, Bjornberg teaches the method of claim 39, *wherein when executing the corresponding service, the information output device accesses the components or*

*elements held in the provision device* [Campbell: Figure 3 element 308 and Column 6 Lines 50-57].

Bjornberg does not explicitly disclose that *the change in the content of a recorded message or interactive dialog is signaled to the information output device, however only the change is communicated*.

However, Reed teaches *the change in the content is signaled to the device, however only the change is communicated* [Reed: Column 32 Lines 12-14].

Bjornberg and Reed are analogous art in the same field of endeavor as both describe network communication systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the change-only scheme of Reed for transmitting only the changes in components in the communication system of Bjornberg. One of ordinary skill in the art would have been motivated to modify the communication system of Bjornberg with the change-only scheme of Reed because in doing so, the system would allow for transmitting smaller files. Moreover, Bjornberg teaches an analogous method of limiting the scope of changes [Campbell: Column 2 Lines 12-14 and Column 3 Lines 4-8].

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571) 270-

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3628. The examiner can normally be reached on Monday through Friday from 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IH/

Imad Hussain

Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2157